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6 *Attorneys for The Bank of New York Mellon fka*  
*The Bank of New York as trustee for the*  
 7 *Certificateholders of the CWABS, Inc., Asset-*  
*Backed Certificates, Series 2005-IM3*  
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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11  
 12 SFR INVESTMENTS POOL 1, LLC,

13 Plaintiff,

14 v.

15 THE BANK OF NEW YORK MELLON FKA  
 THE BANK OF NEW YORK AS TRUSTEE  
 16 FOR THE CERTIFICATEHOLDERS OF THE  
 CWABS, INC., ASSET-BACKED  
 17 CERTIFICATES, SERIES 2005-IM3; DOES I  
 through X; and ROE BUSINESS ENTITIES I  
 18 through X, inclusive,

19 Defendants.  
 20

Case No.: 2:22-cv-01802-CDS-NJK

**STIPULATION AND ORDER TO  
 EXTEND TIME TO RESPOND TO  
 COMPLAINT**

**(First Request)**

21 The Bank of New York Mellon fka The Bank of New York as trustee for the  
 22 Certificateholders of the CWABS, Inc., Asset-Backed Certificates, Series 2005-IM3 (**BoNYM**) and  
 23 SFR Investments Pool 1, LLC (**SFR**) stipulate that BoNYM shall have until **January 17, 2023** to  
 24 file a responsive pleading in this matter. The parties also stipulate that they will comply with Fed. R.  
 25 Civ. P. 26 and LR 26-1 deadlines to submit a discovery plan from the date of the filing of the  
 26 responsive pleading.

27 The parties do not believe the discovery plan deadline has yet been triggered.

28 . . .

**I. BACKGROUND.**

SFR filed this suit originally in the Eighth Judicial District Court, Clark County Nevada in Case No. A-22-857406-C on August 24, 2022. At no time was BoNYM served, nor did it waive or accept service. BoNYM received notice of the complaint on September 27, 2022. BoNYM filed its removal within thirty (30) days of the notice on October 27, 2022. ECF No. 1. FED.R.CIV.P. 81(c) sets out the time period for filing responsive pleading in a removed case. FED.R.CIV.P. 6(a) sets out the method of computing time. Per Rule 81(c)(2) "[a] defendant who did not answer before removal must answer or present other defenses or objections under these rules within the longest of these period: (A) 21 days after receiving—through service or otherwise—a copy of the initial pleading stating the claim for relief; (B) 21 days after being served with the summons for an initial pleading on file at the time of service; or (C) 7 days after the notice of removal is filed."

The current deadline based on these rules appears to have been **November 3, 2022** which is the longest of the periods stated—based on Rule 81(c)(2)(C).

Unfortunately, due to a calendaring error, no responsive deadline was ever placed on BoNYM's counsel's calendar.

**II. GOOD CAUSE EXISTS TO GRANT THE REQUEST FOR AN EXTENSION OF TIME.**

Under Federal Rule of Civil Procedure 6(b) and Local Rule 6-1 the Court may extend a deadline for good cause shown. The parties have been in active and productive settlement negotiations which are continuing. Good cause exists to grant the requested extension so BoNYM and SFR can continue to explore settlement. SFR is not prejudiced by this extension as SFR has agreed to the extension.

Regarding excusable neglect, undersigned counsel for BoNYM thought the deadline had not yet passed. Upon receiving an email from SFR's counsel, however, that the deadline had passed, BoNYM's counsel discovered the date had never been calendared. Given ongoing settlement discussions, SFR agreed to extend the deadline. BoNYM's counsel takes her responsibility to follow the deadlines seriously and will take measures to ensure this type of mistake does not occur in the future.

. . .

This is the parties first requested extension of this deadline and this additional extension is not intended to cause any delay or prejudice to any party.

DATED this 27th day of December, 2022.

AKERMAN LLP	HANKS LAW GROUP
<p><u>/s/ Natalie L. Winslow</u>  NATALIE L. WINSLOW, ESQ.  Nevada Bar No. 12125  1635 Village Center Circle, Suite 200  Las Vegas, NV 89134</p> <p><i>Attorneys for The Bank of New York Mellon  fka The Bank of New York as trustee for the  Certificateholders of the CWABS, Inc.,  Asset-Backed Certificates, Series 2005-IM3</i></p>	<p><u>/s/ Karen L. Hanks</u>  KAREN L. HANKS, ESQ.  Nevada Bar No. 9578  CHANTEL M. SCHIMMING, ESQ.  Nevada Bar No. 8886  7625 Dean Martin Drive, Suite 110  Las Vegas, NV 89139</p> <p><i>Attorneys for SFR Investments Pool 1, LLC</i></p>

### ORDER

**IT IS SO ORDERED:**

  
UNITED STATES MAGISTRATE JUDGE

DATED: December 28, 2022

AKERMAN LLP

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